

REMARKS/ARGUMENTS

I. STATUS OF THE APPLICATION

Claims 151, 156, 167-170, 175-181, 183, 185-210 are presently pending and stand rejected. By way of this response, eight (8) claims have been amended, eighteen (18) new claims have been added, and four (4) claims have been cancelled. Applicant respectfully submits that no new matter has been added by way of this amendment. No fees are believed due.

Exemplary support for the amendments and new claim can be found in the specification and claims as originally filed and the earlier-filed applications to which this application claims priority at least as shown in the following table.

Claim	Illustrative Support
151	A comma was added.
175	A comma was added.
176	A comma was added.
178	A comma was added and the dependency was corrected since claim 177 (a duplicate of claim 169) was cancelled.
179	A comma was added and the dependency was corrected since claim 177 (a duplicate of claim 169) was cancelled.
180	U.S. Appl. No. 10/054,350: 24:13-25, 43:14-17, 121:17-25; U.S. Appl. No., 09/481,207: 30:21-23.
181	A comma was added.
186	U.S. Appl. No. 10/054,350: 44:7-14, 125:11-12; U.S. Appl. No. 09/183,422: 22:3-14.
273	U.S. Appl. No. 10/054,350: 14:15, 31:6-14, Examples; U.S. Appl. No. 09/183,422: 20:7-8, Examples.
274	U.S. Appl. No. 10/054,350: 14:15, 31:6-14, Examples; U.S. Appl. No. 09/183,422: 32:20-21, Examples.
275	U.S. Appl. No. 10/054,350: 37:24-25; U.S. Appl. No. 09/183,422: 17:17-18.
276	U.S. Appl. No. 10/054,350: 37:24-25; U.S. Appl. No. 09/183,422: 17:17-18.
277	U.S. Appl. No. 09/183,422: 17:20-21.
278	U.S. Appl. No. 10/054,350: 37:26, 77:20-23, 97:11-12; U.S. Appl. No. 09/183,422: 18:1-2; 27:18-19.
279	U.S. Appl. No. 09/183,422: 17:20-21.
280	U.S. Appl. No. 10/054,350: 14:15, 26:6-7, 31:6-14, 37:24-25, Examples; U.S. Appl. No. 09/183,422: 17:17-18, 32:15-21, Examples.
281	U.S. Appl. No. 10/054,350: 14:15, 26:6-7, 31:6-14, Examples; U.S. Appl. No. 09/183,422: 20:7-8, Examples.
282	U.S. Appl. No. 10/054,350: 14:15, 26:6-7, 31:6-14, Examples; U.S. Appl. No. 09/183,422: 32:20-21, Examples.
283	U.S. Appl. No. 10/054,350: 37:24-25; U.S. Appl. No. 09/183,422: 17:17-18.
284	U.S. Appl. No. 09/183,422: 17:20-21.

Claim	Illustrative Support
285	U.S. Appl. No. 10/054,350: 37:26, 71:23-24; U.S. Appl. No. 09/183,422: 18:1-2; 27:18-19.
286	U.S. Appl. No. 09/183,422: 17:20-21.
287	U.S. Appl. No. 10/054,350: 37:24-25; U.S. Appl. No. 09/183,422: 17:17-18.
288	U.S. Appl. No. 09/183,422: 17:20-21.
289	U.S. Appl. No. 10/054,350: 37:26, 77:20-23, 97:11-12; U.S. Appl. No. 09/183,422: 18:1-2; 27:18-19.
290	U.S. Appl. No. 09/183,422: 17:20-21.

II. THE CLAIMS ARE DEFINITE UNDER 35 U.S.C. § 112, SECOND PARAGRAPH, AND THE REJECTION SHOULD BE WITHDRAWN

The Office Action dated April 9, 2009, rejected Claims 160-161 under 35 U.S.C. § 112, second paragraph, as being indefinite.

Applicant respectfully traverses the rejection. Without admitting or conceding in any manner that the rejected claims fail to comply with the definiteness requirement under 35 U.S.C. § 112, second paragraph, and solely to expedite the prosecution of the present applications, Claims 160 and 161 have been amended. Applicant submits that this rejection is now moot and respectfully requests withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

III. THE CLAIMS ARE NONOBVIOUS UNDER 35 U.S.C. § 103, AND THE REJECTION SHOULD BE WITHDRAWN

The Office Action dated April 9, 2009, rejected Claims 160-161 under 35 U.S.C. § 103(a) as being obvious in light of Taneja et al. US 2002/0192299.

Applicant respectfully submits that Taneja is not prior art and respectfully traverses the rejection. The instant application is a continuation of U.S. Patent Application Serial No. 09/901,942 filed on July 9, 2001, which is a continuation-in-part of U.S. Patent Application Serial No. 09/481,207 filed on January 11, 2000, which issued as U.S. Patent No. 6,489,346 (“the ‘346 patent”). On the other hand, Taneja has an earliest priority date of December 28, 2000, more than 11 months *after* the filing date of U.S. Application Serial No. 09/481,207. The instant application can claim priority at least as early as January 11, 2000. Furthermore, Applicant does not waive its right to claim an earlier priority date to the filing date of U.S. Application Serial No. 09/183,422, U.S. Application Serial No. 08/680,376 or U.S. Application Serial No. 60/009,608. Therefore, Taneja is not prior art, and Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a).

IV. OBVIOUSNESS-TYPE DOUBLE PATENTING

Claims 151, 156, 158, 160-161, 167-170, 175-181, 183 and 185-210 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over U.S. 5,840,737; U.S. 6,489,346; U.S. 6,645,988; U.S. 6,699,885; U.S. 7,399,772 or provisionally rejected over the pending claims of SN 10/418,410. Without admitting or conceding in any manner that the rejected claims are unpatentable over the above-referenced issued or co-pending claims, and solely to expedite the prosecution of the present application, Applicant will provide a terminal disclaimer upon the indication of allowable subject matter.

CONCLUSION

For at least the foregoing reasons, it is respectfully submitted that claims 151, 156, 158, 167-170, 175-181, 183, 185-210 and 273-290 are in condition for allowance. Early and favorable consideration is respectfully requested, and the Examiner is encouraged to contact the undersigned with any questions or to otherwise expedite prosecution. Further, none of Applicant's amendments or cancellations are to be construed as dedicating any such subject matter to the public, and Applicant reserves all rights to pursue any such subject matter in this or a related patent application.

Kindly contact the undersigned with any questions or to otherwise expedite prosecution.

Respectfully submitted,

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